GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Engineering Department – Construction of (7) seven Ekalavya Model Residential Schools in the three districts of Vizianagaram, Visakhapatnam and Srikakulam Districts - Tenders cancelled - conducted enquiry - Awarded the works to L1 bidder i.e., M/s Sri Satya Sai Constructions, Visakhapatnam- Orders - Issued.

TRIBAL WELFARE (Ser.A1) DEPARTMENT

G.O.Rt.No:477 **Dated:15.11.2017**

Read the following:-

1. Through NIT No.s 01/2015-16 to 07/2015-16 of the Superintending Engineer, TWED, Visakhapatnam Circle.
2. Letter No.DEEIII/AEE8/COT/2015, Dt. 22.05.2015 of ENC, TW address to the COT.
3. From the Commissioner, COT, AP, Hyderabad, Lr. No. COT/EE/DEE1/ T2/Ekalavya/2015, dated. 03-06-2015.
4. From the ENC, TW, AP, Lr.No. DEEIII/AEE8/COT/2015, Dt. 01.07.2015
5. From the Commissioner, COT, AP, Hyderabad Lr.No.COT/EE/DEE1/T2/ Ekalavya/2015, dt. 10-07-2015.
6. Govt Memo No. 3683/TW.Ser/A1/2015, dt. 25-07-2015
7. From the Commissioner, COT, AP, Hyderabad Lr.No.COT/EE/DEE1/T2/ Ekalavya/2015, dt. 14-08-2015.
8. From the ENC, TWD Lr. No. DEEIV/AEE8/EMRS/14-15, Dt. 21-08-2015 & 04-09-2015.
9. Govt., Memo.No.3683/TW. Ser/A1/2015, dt. 19-11-2015.
10. Govt., U.O.Note.No.3683/TW. Ser/A1/2015, dt. 19-11-2015 addressed to the DG, V&E Department.
11. Orders dt. 31.12.2015 in WP No. 42726 of 2015 and WPMP No. 55097 of 2015 Hon'ble High Court of Judicature at Hyderabad, filed M/s Sri Satya Sai Constrictions, Visakhapatnam.
12. From the DG, V&E Dept., Vigilance Report No. 54 (C.No.1797/V&E/ E/2015), Dt. 26.09.2016.
13. Representation Dt. 13.07.2017 & 11.09.2017 of Sri C. Krishnam Raju, Managing Partner of M/s Sri Satya Sai Constructions, Visakhapatnam.
14. From the Spl.CTW, Lr.Rc.No.G1/1445/2017, Dt. 24.07.2017.
15. Orders dt. 07.11.2017 in WP No. 42726 of 2015 of Hon'ble High Court of Judicature at Hyderabad, filed M/s Sri Satya Sai Constrictions, Visakhapatnam.

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O R D E R:

In the reference 1st read above the Superintending Engineer, Tribal Welfare Engineering Department, Visakhapatnam has invited tenders for construction of the (7) seven Ekalavaya Model Schools in Vizianagaram, Visakhapatnam and Srikakulam Districts.

2. In the reference 2nd read above the Engineer-In-Chief, Tribal Welfare Department has submitted the tender documents pertaining to the said works to the Commissionerate of Tenders after opening of price bid for approval in favour of L1 bidder i.e., M/s Sri Satya Sai Constructions, Visakhapatnam.

3. In the reference 3rd read above the Commissionerate of Tenders has informed to the Engineer-In-Chief, Tribal Welfare stating that on 01-06-2015

[Countd…2]

at the time of meeting of the Commissionerate of Tenders, have decided to return the tenders to the Engineer-In-Chief, Tribal Welfare to re-evaluate the tenders.

4. In the reference 4th read above the Engineer-In-Chief, Tribal Welfare Department while resubmitting the Tenders has requested the Commissionerate of Tenders that the same may be considered in the true spirit of G.O.Ms. No. 94 and communicate the same at an early date since these are discounted tenders and are quite advantageous to the Government exchequer.

5. As requested by the Government, in the reference 7th read above the Commissionerate of Tenders has informed to the Engineer-In-Chief, Tribal Welfare that on 14.08.2015 at the time of meeting of the Commissionerate of Tenders, has already taken a clear decision during its meeting dated, 01.06.2015 on the subject of tenders and was communicated to the Engineer-In-Chief, Tribal Welfare. Hence directed the Engineer-In-Chief to adhere to the decision of the Commissionerate of Tenders taken already during its meeting held on 01.06.2015, and resubmit the tenders after re-evaluation of tenders.

6. In the reference 8th read above, while submitting the details of the entire case, the Engineer-In-Chief, Tribal Welfare Department has requested the orders of the Government in the matter.

7. In the reference 9th read above, the Engineer-In-Chief, Tribal Welfare Engineering Department, has been directed to cancel the tenders invited by the Superintending Engineer, Tribal Welfare, Visakhapatnam vide NIT Nos 01/2015-16 to 7/2015-16 for construction of (7) Nos of Ekalavya Model Residential Schools in three Districts of Vizianagaram, Srikakulam, Visakhapatnam duly permitting him to recall the tenders for entrustment of the said works.

8. Further in the reference 10th read above, it was requested the General Administration (V&E) Department to conduct detailed enquiry into the matter and furnish report for taking further necessary action in the matter.

9. Aggrieved by the orders issued in the reference 11th read above M/s Sri Satya Sai Constructions, Visakhapatnam Rep. by its Managing Partner Sri C. Krishnam Raju has filed WP.MP. No. 55097/2015, in WP. No. 42726 of 2015 before the Hon'ble High Court of AP. In orders dated, 31.12.2015 the Hon'ble High Court has made the following order:

> *As the impugned memo dated 19.11.2015 indicates that the tender process had already culminated in the identification of the petitioner as L.1 and it is clear that only at that stage the deficiency in the tender notification was found, whereby the entire process is now sought to nullified, there shall be a direction to the respondent authorities not to proceed further in the matter either for cancellation or for issuance of a fresh tender notification pending further orders.*

10. In the reference 12th read above, the Director General, Vigilance & Enforcement has submitted its report as called for earlier in the reference 10th read above.

[Countd…3]

11. In the reference 14th read above the Special Commissioner of Tribal Welfare has informed to the Government that the Government of India sanctioned buildings for (10) Ten EMRS under SCA / TSP under Art. 275(1) during the year 2014-15 @ Rs. 12.00 cr. each GoI released funds @ Rs. 7.50 cr. (Rs. 3.50 cr + Rs. 4.00 cr) for each EMRS during 2014-15 and 2015 - 16. However till date the works were not grounded and as such funds could not be drawn from GoI for the year 2016-2017. During the PAC meeting held in MoTA, New Delhi for the year 2017-2018, it was directed to complete the buildings to EMRS by the end of December 2018.

12. In the reference 15th read above the Hon'ble High Court of Judicature at Hyderabad has ordered as follows:-

> *By recording the submission of counsel for petitioner, the writ petition is dismissed as withdrawn. No order as to costs.*
>
> *Miscellaneous petitions, if any pending shall stand closed.*

13. Government after careful examination of the entire issue and keeping in view of the findings and recommendations of the Director General, Vigilance & Enforcement Department and also duly taking in to account of the importance / urgency and time bound nature as expressed by the Special Commissioner of Tribal Welfare here with ordered that the orders issued in the reference 9th read in which directed the Engineer-In-Chief, Tribal Welfare to cancel the tenders invited by the Superintending Engineer, Tribal Welfare, Visakhapatnam for construction of (7) Nos of Ekalavya Model Residential Schools in three Districts of Vizianagaram, Srikakulam, Visakhapatnam duly permitting him to recall the tenders for entrustment of the said works is here by withdrawn and the same works awarded in favour of M/s Sri Satya Sai Constructions, Visakhapatnam.

14. The Engineer-In-Chief, Tribal Welfare, Tadepalli is directed to take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. P. SISODIA
PRINCIPAL SECRETARY TO GOVERNEMNT

To
The Director of Tribal Welfare, Vijayawada, Andhra Pradesh.
The Engineer-In-Chief, Tribal Welfare, Tadepalli, Guntur District.
The Superintending Engineer, Tribal Welfare, Visakhapatnam.
The Commissionerate of Tenders, Andhra Pradesh.
The General Administration (V&E) Department, Velagapudi.
The Project Officers of ITDAs, Paderu, Parvathipuram, Seethampeta.
Copy to:

The P.S. to Joint Secretary to Hon'ble Chief Minister.
The P.S. to Hon'ble M(SWE&TWE).
The P.S. to Principal Secretary to Government (TW)
SF/SCS

//FORWARDED :: BY ORDER//

SECTION OFFICER